ATTACHMENT 3

JUSTIFICATION STATEMENT IN SUPPORT OF APPLICATION FOR SPECIAL EXCEPTION FOR COLOCATION WITHIN AN UPCOMING 100' FLAGPOLE LOCATED AT A FIRESTATION

Applicant:	**Sprint PCS d/b/a APC Realty, Inc.**
Site:	**Upperville Volunteer Fire Company**
Sprint Site Number:	**WA33XC105D**
Property Address:	**9167 John S. Mosby Highway, Upperville, VA 20185**

Introduction

The applicant, Sprint PCS in the process of establishing wireless telecommunications network facilities throughout the region and its coverage objective with this application is to serve the areas along Route 50 in Upperville. The Upperville Volunteer Fire Company ("Firestation") has applied to the County for the necessary permits to install a 100' high flagpole on its property located at the above-referenced address. In order to properly establish a link in the network, Sprint seeks a Special Exception to install up to three (3) telecommunications antennae within the 100' high Firestation flagpole, at an approximate height of 95'. Unmanned, self-contained accessory equipment cabinets will be situated near the base of the Firestation flagpole. The proposed use will be located on a portion of property identified as Tax Map No. 75, Lot 3784, PIN No. 6054-75-3784.

Applicant also requests that the application be pre-advertised before the meeting of the Planning Commission on February 28, 2002 and the Board on March 18, 2002.

A pre-application meeting was held on Friday, December 21, 2001 with Mr. Brian Davis.

Site Description:

The proposed site is an approximate 8' x 20' lease area within property owned by the Upperville Volunteer Fire Company, Tax Map 75, Lot 3784, zoned CV (Commercial Village). The upcoming Firestation flagpole will be situated approximately 119' from the closest property line and 175' from the closest residence. The antennae will be installed within the sheath of the upcoming Firestation flagpole at an approximate height of 95'.

Project Description and Need:

As an FCC licensee, Sprint is committed to provide seamless telecommunications service to its users, and seeks to create a seamless, state-of-the-art all-digital wireless network. This requires the installation of a network of telecommunications antenna and equipment facilities so as to allow each facility to broadcast and receive radio signals within a strictly limited radio frequency range to each wireless user in the vicinity of the facility. Moreover, each facility must be able to pass the user's signal to an adjacent facility as each user travels out of the coverage area and into an adjacent coverage area. Each facility is capable of covering only a limited area, generally determined by the height of the antennas, the local topography and terrain, as well as obstructions such as buildings and structures.

To achieve the desired coverage within the intended geographical coverage area, each antenna facility must be strategically located so as to ensure maximum coverage and a minimum overlap with each other facility. Because of the low power of the system, the antennas are effective only within a limited geographic area. Thus, each facility site is subject to technical and geographical constraints in order to provide reliable and efficient service. The proposed facility is necessary in order to mount the antennas at a height sufficient to service the intended coverage area. Moreover, the proposed height of the antennas is needed for the radio signal to clear any obstructions such as trees, buildings, or other structures while simultaneously providing coverage to the intended area.

Poorly located facilities or areas without such a facility will leave "holes", or areas where transmission is not possible. Since one of the primary benefits of the wireless communication system is the ability to communicate to and from any location, a network of facilities that provide seamless coverage is essential. The location and design of each facility in the network is therefore critical to the overall functioning of the entire network. Without a facility at or near this location, Sprint is unable to provide reliable coverage and capacity to its users in the region.

Antenna Description:

Three (3) panel antennas, each approximately fifty-six (56) inches long, eight (8) inches wide, and three (3) inches deep are proposed to be installed within the sheath of the upcoming Firestation flagpole. The antennae will not be visible. The antennae do not generate any noise, dust, fumes, odors, lights, glare, or vibrations. The antennae do not interfere with radio, television or telephone reception. The antennae emissions comply with all applicable EPA and FCC emission requirements.

Equipment:

Sprint's related telecommunications equipment cabinets will be situated on the proposed lease area, near the base of the upcoming Firestation flagpole. Neither the antennae nor the related equipment will produce any noise, fumes, dust, odors, lights, glare or vibrations.

Type of Operation:

Applicant proposes to install a wireless telecommunications facility, which will provide valuable coverage along Route 50, John S. Mosby Highway. Applicant's antennae will be located within the sheath of a flagpole located on Upperville Volunteer Fire Company property. The facility will be unmanned, requiring infrequent maintenance visits. The facility will not produce any noise, fumes, dust, odors, lights, glare or vibrations or have an impact on traffic or public utilities in the area.

Hours of Operation:

The proposed facility will be operational 24 hours a day.

Estimated number of patrons/clients/patients/pupils/etc.:

Applicant anticipates providing valuable wireless telecommunication services to its customers both within the county and those traveling in the area.

Proposed number of employees/attendants/teachers/etc.:

None.

Qualifications of application and operators of the proposed use. A copy of professional or occupational certification or license:

Applicant is an FCC licensee. A copy of the license is attached hereto as **EXHIBIT A.**

Estimate of traffic impact of proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:

None. The proposed facility is unmanned and requires infrequent maintenance visits per year.

Vicinity or general area to be service by the use:

Applicant's customers residing and traveling in the vicinity of the site. Please see attached propagation maps for applicant's coverage objectives in the area.

Description of building facade and architecture of proposed new building or additions:

Applicant's antennae will be located within an upcoming 100' high Firestation flagpole at an approximate height of 95'. Related equipment will be located within a fenced area near the base of the flagpole.

Conformance with Applicable Legal Standards:

Section 704 of the 1906 Telecommunications Act requires that State and local governments "(I) shall not unreasonably discriminate among providers of functionally equivalent [wireless telecommunications] services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services." Accordingly, local governments cannot prohibit, either by law or by action, wireless telecommunications facilities. Regulations cannot have the effect of prohibiting wireless facilities, even though it may purport to allow such facilities. Moreover, local governments must undertake to consider all wireless telecommunications zoning requests on an equal basis.

Pursuant to Article 3, Section 3-200(11), the CV district is designed to allow commercial activities appropriate to the needs of the villages. Furthermore, the Table of Permitted Uses in Article 3, Section 3-300 facilities, such as the one proposed here, are permitted by right in CV zones so long as the provisions of Article 11, enumerated below, are satisfied. Thus, to the

extent that the Fauquier County Zoning Ordinance allows the installation of a wireless antenna facility on the subject property, Sprint's request for a Special Exception is appropriate. The granting of approval will be in harmony with the spirit and intent of the Zoning Regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The proposed use complies with the applicable criteria.

Conformance with Section 2232 of the Virginia Code:

Section 15.2-2232 of the Virginia Code provides *inter alia* that all new structures must be shown to be substantially in accord with the adopted comprehensive plan unless the structures can be classified as a feature shown. In light of this requirement, applicant provides below a discussion of the goals, objectives and policies, including siting and design criteria relating to wireless telecommunications facilities, as are enumerated in the County's Plan for Commercial Wireless Facilities ("Plan"). The goals, objectives, policies and criteria enumerated in the Comprehensive Plan are stated in bold; Sprint's responses are italicized.

Goals, Objectives and Policies

The goals, objectives and policies of the Wireless Communications Technology Plan of the Comprehensive Plan are designed to seek a balance between providing wireless communication service to County residents and businesses while remaining sensitive to the location and appearance of these facilities.

Goals

1. To encourage managed development of wireless communications infrastructures, while at the same time not unreasonably interfering with the development of the competitive communications marketplace.

Sprint's Response: The County's Comprehensive Plan for Commercial Wireless Facilities, such as the one proposed herein, furthers the policy of utilization of existing structures, thereby reducing the number of new towers. Furthermore, the Plan calls for the balancing of the interests of the public health, safety and welfare, community aesthetics and promoting the integrity of the County's residential neighborhoods with the growing need for reliable wireless telecommunications services. Finally, the Plan promotes the use of public sites, such as firestations, as is proposed herein.

The proposed antennae will be camouflaged within an upcoming Firestation flagpole. Related ground equipment will be situated within a fenced compound near the base of the flagpole. The antennae will not be visible and therefore, there is no potential for an adverse visual impact on adjoining properties, a significant factor discussed in the Plan. Further, the enclosed documentation demonstrates the need for such a facility in the proposed area. Thus, the proposed facility is an ideal example of managed development of wireless communications infrastructure. It seeks to meet the imperative need in the area for reliable wireless telecommunications coverage while simultaneously negating any potential for adverse visual impact on adjacent properties.

2. **To maintain and preserve the agricultural and residential character of the County and its neighborhoods and to promote the creation of an attractive and harmonious community.**

Sprint's Response: Applicant proposes to use an upcoming 100' flagpole on the Upperville Firestation. The placement of a flagpole on Firestation property is in itself a proposal that will maintain the character of the neighborhood. Since the antennae will be installed within the flagpole, there is no potential for any adverse impact on adjoining properties. The related equipment cabinets will be situated within a fenced area. The fence will be painted white to match the trim on the Firestation building. These factors cumulatively demonstrate that the proposed use maintains and preserves the existing character of the neighborhood and indeed, the placement of the flagpole by the Firestation promotes the creation of an attractive community.

3. **To ensure that wireless communications towers and related wireless communications facilities are compatible and as visually unobtrusive as possible with surrounding land uses.**

Sprint's Response: Since the proposed facility will be camouflaged within the upcoming Firestation flagpole, the intent and letter of the above goal is fully met. There is no fear of an adverse visual obtrusiveness of the proposed facility.

4. **To establish a hierarchy in the type, location and procedures for personal wireless facilities, telecommunication towers and facilities.**

Sprint's Response: No response required.

5. **To provide a uniform and comprehensive set of standards for the development and installation of wireless communications towers, antennas and related facilities.**

Sprint's Response: No response required.

6. **To promote public safety and to avoid risk of damage to adjacent properties by ensuring that wireless communications towers and related wireless communications facilities are properly designed, constructed, modified and maintained.**

Sprint's Response: Sprint's antennae and related cabling will be contained within the upcoming Firestation flagpole. The Firestation has already applied for a building permit for the installation of the flagpole. The structural integrity and design of the upcoming Firestation flagpole will have to be approved by the pertinent County authorities before the issuance of all the necessary permits for the installation of the flagpole. Thus, once the necessary permits have been issued for the installation of the flagpole, the factors enumerated in the above goal will be fully satisfied. To the extent applicant's equipment and antennae are concerned, applicant will adhere at all times to all local, State and Federal laws in installing, maintaining and operating its facility. The radio frequency emissions of applicant's antennae will comply at all times with the FCC guidelines. Documentation enclosed herein attests to this statement by applicant. Furthermore, an ASAC report enclosed with this application demonstrates that the upcoming flagpole, even if it were constructed to a height of 130' (although the Firestation has applied only for a 100' high flagpole) will not pose a hazard to air safety in the region. Thus, the intent and letter of the above-referenced goal will not be hindered by the proposed site.

Objectives

1. **Minimize the adverse visual impacts of wireless communications towers and related facilities through careful design, siting, landscape screening and innovative camouflaging techniques.**

Sprint's Response: The proposed antennae and cabling will be contained within the sheath of the upcoming Firestation flagpole. Likewise, the related equipment will be situated within a painted fence and, therefore, will not be visible. The overall installation will, therefore, be sufficiently camouflaged and will have no adverse visual impact on adjoining properties.

2. **The locations of personal wireless facilities and telecommunications towers, in excess of 80 feet, may be permissible only when it is technically justified due to unique environmental and terrain features and technological constraints, which preclude wireless communication service within the height standards.**

Sprint's Response: The documentation enclosed with applicant's submission demonstrates that a height of 95' is required in order to meet applicant's coverage objectives in the area. Furthermore, it is of great significance that regardless of what height the antennae are installed within the flagpole, they will have no visual impact on the neighborhood since they will be concealed within the flagpole. The height of installation of applicant's antennae is, therefore, of little significance to the County's goals, objectives and design criteria.

3. **Horizontally separate wireless communications towers from residential neighborhoods and other visually sensitive areas to the extent necessary to minimize visual obstruction.**

Sprint's Response: Since the proposed facility will utilize an upcoming Firestation flagpole, it will not create a visual obstruction. Thus, the above-referenced objective is fully satisfied.

4. **Encourage the use of alternative support structures, co-location of new antennas on existing wireless communications towers, and camouflaged towers.**

Sprint's Response: Applicant proposes to use an upcoming Firestation flagpole and further proposes to camouflage its installation within the flagpole. The above objective, therefore, is fully satisfied by the proposed installation.

5. **Ensure that co-location opportunities are fully met before permitting new wireless communications towers.**

Sprint's Response: Applicant proposes to use an upcoming Firestation flagpole. The above objective, therefore, is fully satisfied by the proposed installation.

6. **Ensure that the development of wireless facilities is done in a manner that meets all requirements and standards of the Federal Aviation Administration, the Federal Communications Commission, and the Uniform Statewide Building Code.**

Sprint's Response: An enclosed ASAC document demonstrates that the upcoming flagpole, even if it were constructed to a height of 130' (although the Firestation has applied for only a 100' high flagpole) would, nonetheless, not pose a hazard to air safety navigation in the area. Furthermore, additional documentation submitted by applicant demonstrates that applicant will

adhere to at all times with all local, State and Federal laws. Thus the above objective is satisfied by the proposed facility.

7. **Ensure the timely removal of obsolete or abandoned equipment at no cost to County residents.**
Sprint's Response: Applicant seeks to colocate on an upcoming Firestation flagpole. Therefore, the above objective is not exactly pertinent to applicant's submission. However, applicant nonetheless attests that in the unlikely event that applicant decides in the future to remove or abandon its facility, applicant will remove the antennae and equipment within a reasonable time at its own expense.

8. **Ensure that telecommunication providers use the best available technology that may reduce the number or height of towers.**
Sprint's Response: The above objective is not applicable here since applicant seeks to colocate on an upcoming Firestation flagpole. However, the enclosed documentation nonetheless demonstrates that the proposed facility is vital to applicant's coverage objectives in the area. Furthermore, since applicant is a wireless telecommunications provider and not a tower builder, and since installation of new facilities is a costly venture, applicant proffers that it would not seek such an installation unless the utility of the installation is of vital importance to applicant's coverage objectives.

<u>Policies</u>

1. <u>General Policies</u>

a. **Encourage the placement of antennas on existing structures (including, but not limited to, existing towers, utility poles and electrical transmission towers, water tanks, building rooftops and other tall structures).**
Sprint's Response: Indeed, applicant seeks to colocate is antennae within the sheath of an upcoming Firestation flagpole.

b. **Encourage, when appropriate, the upgrade or replacement of towers with facilities of equivalent height and designed to maximize co-location opportunities.**
Sprint's Response: Not applicable.

c. **New commercial wireless facilities up to 80 feet in height are the preferred telecommunication site alternative.**
Sprint's Response: Not applicable.

d. **Expedite the permitting of wireless communication towers that have minimal visual impacts and meet all regulatory standards.**
Sprint's Response: Applicant's proposal has minimal, if not nil, adverse visual impact. It further meets all regulatory standards. The expediting provision referenced above, therefore, applies.

e. **Maintain an inventory of tower sites and all existing telecommunication facilities. This information shall be used to determine co-location opportunities.**
Sprint's Response: No response required

f. **Coordinate with adjoining localities when a tower request is proposed near the County boundaries.**
Sprint's Response: Not applicable. Applicant does not seek to construct a tower.

g. **Encourage future providers to provide their "build out" coverage grid for the entire County.**
Sprint's Response: If such a coverage grid is requested, applicant will be happy to oblige.

h. **Obtain industry and citizen input in the future development of local wireless communications regulations.**
Sprint's Response: No response required

2. <u>Siting Policies</u>

a. **The most preferred areas for personal wireless service facilities are those that have concentrations of employment and mature tree stands; the least preferred areas are in existing residential areas, historic/archeological site and natural resource areas.**
Sprint's Response: Applicant seeks to colocate within the sheath of an upcoming Firestation flagpole. The visual impact of applicant's installation is, therefore, non-existent. However, notably, applicant's facility will be located on a Firestation

b. **The most preferred siting for personal wireless facilities are on or within existing structures where the facilities would not be highly visible and within trees with only the antenna arrays above the tree tops; the least preferred sitings are in open fields or areas, or on highly visible rooftops.**
Sprint's Response: Applicant seeks to colocate within the sheath of an upcoming Firestation flagpole. The visual impact of applicant's installation is, therefore, non-existent. However, notably, applicant's facility will be located on a Firestation.

c. **Towers in areas zoned or planned for residential uses are strongly discouraged.**
Sprint's Response: Not applicable. Applicant does not seek to construct a tower.

d. **Non-stealth towers adjacent to or in close proximity to existing or planned residential uses are discouraged.**
Sprint's Response: Not applicable. Applicant proposes to install a stealth facility.

e. **New towers should be considered only when co-location or replacement of existing towers is not feasible.**
Sprint's Response: Not applicable. Applicant does not seek to construct a new tower.

f. **County-owned, state-owned or federal properties and facilities should be considered to encourage proper siting of wireless communications towers provided:**

- **The use and character of public properties and adjacent properties are not adversely impacted;**
- **The proposed telecommunications facilities are consistent with other elements of the land use plan and the zoning ordinance; and**
- **Appropriate approvals and agreements are reached with the public agencies, boards or authorities.**

Sprint's Response: Applicant seeks to utilize Firestation property for its facility. Furthermore, applicant has taken substantial steps, including camouflaging, to ensure that its facility does not alter the use and character of the subject or adjacent properties. Furthermore, the proposed use is a located in a CV zone, wherein facilities such as the one proposed herein, are permitted by right so long as the provisions of Article 11 are satisfied. Applicant anticipates seeking and obtaining all the necessary agreements and approvals for the proposed facility.

g. **If co-location opportunities are not possible, siting of towers should be encouraged at locations within wooded areas or remote sites away from residential structures. While such locations may not obscure from view the entirety of the tower, they may reduce the visual impact.**
Sprint's Response: Not applicable. Applicant seeks to colocate on an upcoming Firestation flagpole.

h. **Towers should be located on a down-slope, with no portion of the tower extending above the mountain ridgeline upon which it is located.**
Sprint's Response: Not applicable. Applicant does not propose to construct a tower.

i. **New towers or antenna structures shall not block the County's microwave paths or interfere with the County's public safety radio system.**
Sprint's Response: Documentation enclosed with the application demonstrates that applicant's equipment will not interfere with the equipment used by the Firestation. Upon request, applicant will provide additional information as needed to satisfy the above criteria.

j. **No tower shall be located within 1,000 feet of Virginia Scenic By-Ways unless an acceptable stealth tower design is utilized.**
Sprint's Response: Not applicable. Applicable does not propose to construct a tower.

3. <u>Design Policies</u>

a. **The most preferred design for personal wireless facilities will be on the shortest possible mount with dual-polarization or omnidirectional antennas; monopoles with triangular platforms are next in preference, while guyed towers and lattice towers are strongly discouraged.**
Sprint's Response: Not applicable. Applicant does not propose a monopole or tower. Instead applicant's antennae will be concealed within the upcoming Firestation flagpole.

b. **Camouflage tower designs should be considered for various applications.**
Sprint's Response: Indeed, applicant's proposal is a camouflaged installation.

c. **Limited clearing of the site is recommended. Existing mature vegetation should remain.**
Sprint's Response: Not applicable. Applicant proposes to colocate on an upcoming Firestation flagpole

d. **Security fencing and visible tower locations should be screened from public view. A row of evergreen trees a minimum of 8 feet tall and a maximum of 10 feet apart planted around the perimeter of the fence and a continuous hedge at least 30 inches high in front of the tree line are recommended.**
Sprint's Response: Not applicable. Applicant does not propose to construct a tower but instead, to install its antennae within an upcoming Firestation flagpole. However, applicant's related equipment will be located within a fenced area.

e. **Lighting and painting, other than in neutral colors, of a tower are discouraged unless required by the Federal Aviation Administration. Towers should be constructed at reduced height to eliminate lighting requirements. However, when lighting is required it should be shielded and oriented inward so as to not project on surrounding properties.**
Sprint's Response: Not applicable. Applicant does not propose to construct a tower.

f. **Earth tone colors for equipment shelters and towers are recommended.**
Sprint's Response: Applicant's equipment will be located within a fenced area. The fence is painted white to coordinate with the existing trim on the Firestation building.

g. **When antennas are attached to an existing building, they should be painted to blend with the existing structure.**
Sprint's Response: Not applicable. Applicant's antennae will be located within the upcoming Firestation flagpole and not visible.

h. **Access to the site should meet all requirements of the Department of Public Works.**
Sprint's Response: Access to the proposed site is via a 15' wide access easement to follow existing paved surface, as shown on page Z-1 of the enclosed site drawings.

i. **In highly visible or sensitive locations, antenna mounts should be flush mounted.**
Sprint's Response: Not applicable. Applicant's antennae will be located within the upcoming Firestation flagpole and not visible.

j. **FAA Feasibility or Aeronautical Study must be done by all applicants to ensure that any proposed structure does not interfere with airspace safety.**
Sprint's Response: The enclosed ASAC report demonstrates that the upcoming Firestation flagpole will not be a hazard to air navigation in the area.

k. **Propagating studies must be done by all applications of proposed facilities to show area of coverage.**
Sprint's Response: Enclosed propagation maps satisfy this requirement.

<u>Conformance with the Fauquier County Zoning Requirements:</u>

11-102 **Telecommunications Use And/Or Structures. The following performance standard, shall be applied to telecommunications uses and/or structures, including amateur radio antennas.**

1. **Antennas. Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the specified zoning district.**

   a. **Antennas and related unmanned equipment are permitted by-right on an existing telecommunication silo, tower or structure, with no increase in height, in all zoning districts subject to the performance standards outlined in this section. Increasing the height of an existing structure for a telecommunication facility must comply with the special exception process and zoning district locational requirements outlined in Section 11-102.2.a.**
   Sprint's Response: Applicant proposes to install its antennae at a height of 95' within the sheath of an upcoming 100' high flagpole. The antennae will, therefore, not be visible. The related unmanned equipment cabinets will be situated within a fenced area near the base of the flagpole.

   b. **Notwithstanding the height requirements in Sections 11-102.2.c and 11-102.3, antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public or quasi-public use, e.g., a water tower, or fire and/or rescue company.**
   Sprint's Response: The upcoming 100' high flagpole is situated on property owned by the Upperville Volunteer Fire Company. The proposed installation, therefore, furthers the intent of the Ordinance to the extent it encourages colocation on public or quasi-public land or fire and/or rescue company.

   c. **Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.**
   Sprint's Response: Applicant's antennae will be installed within the sheath of the flagpole at a height of 95'.

d. **When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public views.**
Sprint's Response: Not applicable. Nonetheless the proposed facility will be camouflaged within the upcoming flagpole and thus, fully meets the letter and intent of the above requirement.

e. **Personal wireless facilities which are side-mounted on a wall of a building or a structure shall blend with the existing building's architecture, and the panels shall be painted or shielded with material consistent with the design features and materials of the building.**
Sprint's Response: Antennae will be located inside the upcoming Firestation flagpole. The proposed facility does, therefore, bled with the facade of the upcoming Flagpole.

f. **Directional or panel antennas shall be of a material or color, which matches the exterior of the building or structure.**
Sprint's Response: Not applicable. The proposed antennae will be located inside the upcoming Firestation flagpole and, therefore, not visible.

g. **No commercial advertising shall be allowed on any antenna.**
Sprint's Response: No commercial advertising will be placed on the proposed facility.

h. **Signals or lights or illumination shall not be permitted on any antenna, unless required by Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.**
Sprint's Response: Applicant does not propose to illuminate its site and does not anticipate that FAA or FCC regulations or State, Federal or County regulations will require illumination of the proposed facility.

i. **The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. The structure shall be of a material or color, which matches the exterior of the building or structure.**
Sprint's Response: Applicant proposes to lease an approximate 8' x 20' area of the subject property within which to locate its equipment cabinets. The cabinets do not exceed 12' in height and

will be enclosed by a 8' high fence painted white to match the trim of the existing Firestation building.

j. **If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.**
Sprint's Response: Not applicable.

Section 11-102 (3)(b) **General Performance Criteria: All personal wireless or telecommunication facilities, whether permitted by right or permissible with the approval of a special exception or special permit application, shall be subject to the following submittal standards and criteria:**

(1) **Before proceeding to the zoning/building permit phase, new telecommunications towers and facilities are subject to the County site plan review and approval process.**
Sprint's Response: The proposed facility is a colocation and not a new tower. Applicant met with Mr. Brian Davis for a pre-application meeting recently. Applicant has also met previously with Mr. Doug Morgan and will submit for County site plan review and approval process upon obtaining approval of this application.

(2) **The proposed telecommunication tower or silo, and associated uses and equipment shelters, shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility should be located in the interior of the property, and areas of existing vegetation, if applicable, shall be used to screen the facility.**
Sprint's Response: The proposed facility calls for colocation of telecommunication antennae within the sheath of an upcoming 100' flagpole. The related equipment cabinets will be located near the base of the flagpole in the rear of the existing Firestation. The equipment will be enclosed within a 8' high fence painted white. Further, the upcoming flagpole will be located approximately 119' from the closest property line and 175' from the closest dwelling. The foregoing factors demonstrate that the proposed facility is compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture and is located in the interior of the property. Finally, pursuant

to Section 11-102(2)(a)(5), the setback provisions of the Ordinance are not applicable here since the proposed facility will be located on a fire and rescue company site.

(3) New telecommunication facilities greater than 80 feet in height shall be designed to accommodate co-location, complete with the engineering report attesting to that capacity, unless the Applicant is able to certify:

(a) Doing so would create an unnecessary visual impact on the surrounding area; or

(b) No additional need is anticipated for any other potential user in the vicinity; or

(c) There is some valid economic, technological or physical justification as to why collocation is not possible.

The applicant shall identify the conditions under which future collocation by other service providers is permitted.

Sprint's Response: Not applicable. The proposed facility is a colocation within an upcoming Firestation flagpole at a height of 95', not a new tower. However, should any future providers choose to utilize the upcoming Firestation flagpole, heights lower than 95' will be available for installation of antennae.

(4) The height of new towers shall be limited based on technological need, type of facility location, and/or required permit approval.

Sprint's Response: Not applicable. The proposed facility is a colocation within an upcoming Firestation flagpole, not a new tower.

(5) Satellite and microwave dishes attached to towers and silos shall not exceed six (6) feet in diameter.

Sprint's Response: Not applicable. The proposed facility is a colocation of wireless telecommunications antennae within an upcoming Firestation flagpole. Satellite and microwave dishes are not proposed.

(6) Any telecommunication facility and antenna located in a district or immediately adjacent to a district permitting residences shall be located to a height that is equal to or less than the distance from the base of the antenna, tower or silo to the closest property line, (1) one foot setback for each (1) one foot of facility height. Within and adjacent to districts not allowing residences,

telecommunication towers or silos shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Associated structures and buildings, in both instances, may be constructed within the setback areas of the tower or silo, however, they must meet all setback requirements for primary structures for the specific zoning district in which they are located.

Sprint's Response: The proposed colocation is at a height of 95' within an upcoming 100' Firestation flagpole. The related equipment will be installed within a fenced area near the base of the flagpole. Furthermore, since the proposed facility will be located on property owned by the Upperville Firestation, the setbacks referenced above do not apply. Nonetheless, the upcoming 100' high Firestation flagpole will be situated 119' from the closest property line.

(7) **Unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.**

Sprint's Response: Applicants wireless telecommunication equipment cabinets do not exceed 500 sq. ft. of total gross floor area or 12' in height.

(8) **Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers and silos shall blend with the background.**

Sprint's Response: Not applicable. The proposed facility is a colocation within an upcoming Firestation flagpole, not a new tower or silo. Since the proposed antennae will be installed within the upcoming flagpole, there is no danger of any visual impact and, therefore, no concerns for stealthing or camouflaging.

(9) **No signals or lights or illumination shall be permitted on a tower or silo, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County. These structures must either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color to reduce visual impact.**

Sprint's Response: Not applicable. The proposed facility is a colocation within an upcoming Firestation flagpole, not a tower or silo. Nonetheless, applicant does not propose to illuminate the facility and it is not anticipated that illumination will be required by the FCC, FAA or State, Federal or County regulations. Further, the proposed antennae will be located within the flagpole and, therefore, will have no visual impact.

(10) **No commercial advertising or signs shall be allowed on a tower or associated structures.**
Sprint's Response: Applicant will not place any commercial advertising or signs on the proposed facility.

(11) **No tower or silo shall be located within a County designated historic district.**
Sprint's Response: Not applicable. The proposed facility is a colocation within an upcoming Firestation flagpole, not a tower or silo. Furthermore, the upcoming flagpole is not located within a County designated historic district.

(12) **Special exception conditions for approval, established by the Board of Supervisors, may include reasonable limitations on the time period upon which the commercial telecommunications use(s) cease, before the tower or silo will be required to be removed. Removal is subject to the terms identified in 11-107.2. The site shall be restored as closely as possible to its original condition.**
Sprint's Response: No response required. Applicant will agree to all reasonable conditions pertaining to removal upon non-use of site by applicant.

(13) **Applicants for any commercial public telecommunication facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA.**
A finding from the FAA that the proposed facility is not a hazard or obstruction to public and private aviation fields is necessary prior to the issuance of a zoning permit. Such a finding is required, if a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of the Warrenton-Fauquier Airport.
Sprint's Response: Applicant shall comply with all applicable FCC and FAA regulations. Enclosed herein is a

*statement prepared by Shideh Dalilaltajory which attests that applicant's facility will at all times comply with the FCC requirements (**EXHIBIT B**). Also enclosed as **EXHIBIT C** is an ASAC report demonstrating that the upcoming Firestation flagpole will not interfere with air safety navigation in the area. Furthermore, the proposed colocation at a height of 95' within an upcoming 100' high flagpole. The Firestation is not located within five miles of the property boundary of the Warrenton-Fauquier Airport.*

(14) **When locating on Fauquier County Water and Sanitation Authority, or fire and/or rescue company site: 1) the telecommunication equipment shall not interfere with the existing equipment of the primary use; and 2) the setback provisions of Section 11-102.2.b(6) shall not apply.**
In addition, the landscaping/buffering provisions of the ordinance may be reduced or waived if the site has been developed in accordance with Sections 11-103 and 11-104.
Applicants proposing a new telecommunication tower or silo within one (1) mile of a County designated historic district, historic resources designated within the Comprehensive Plan, or a Virginia Byway if a telecommunication facility is proposed on a property listed on the National Register of Historic Places, shall submit a minimum of three (3) visual simulations and written justification as to why the facility could not be sited elsewhere.
Sprint's Response: The proposed facility is a colocation on an upcoming Firestation flagpole located on property owned by the Upperville Firestation. It is anticipated that the Firestation will install its siren and 911 whip antennae on the flagpole. Applicant's facility will not interfere with the upcoming equipment of the primary user, the Firestation. See EXHIBIT B. Further, considering the ownership of the property, applicant anticipates requesting a waiver of the landscaping/buffering provisions of the Ordinance. Finally, since the proposed facility is not a new tower or silo, proximity to County designated historic district, historic resources designated within the Comprehensive Plan or a Virginia Byway is not addressed herein. However, it is notable that since the antennae will be located inside the upcoming Firestation flagpole, the impact of the proposed facility on any County designated

historic district, historic resources designated within the Comprehensive Plan or a Virginia Byway is nil.

(15) **Telecommunication towers or silos shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the County mountains**
Sprint's Response: Not applicable. The proposed facility is a colocation within an upcoming Firestation flagpole, not a new tower or silo.

(16) **Applicants shall submit documentation, in written and graphic form regarding the service area to be provided by the proposed telecommunication tower or silo. This includes propagation maps demonstrating that these facilities, with collocation capabilities, are no higher in elevation than necessary.**
Sprint's Response: Propagation maps demonstrating the need of the proposed facility are enclosed herein collectively as EXHIBIT D. These maps show that currently exists a "hole" in applicant's coverage in the County along and around Route 50 in the Upperville area. Further, the propagation maps show that the placement of the proposed facility will fill this "hole" and provide reliable coverage to County residents along Route 50 in Upperville. Finally, a certification from Shideh Dalilaltajory attests that the proposed facility is no higher than necessary to meet applicant's needs in the area (EXHIBIT B).

(17) **An application must include a licensed carrier either as an applicant or co-applicant.**
Sprint's Response: Applicant is licensed by the FCC to provide wireless telecommunications coverage in the Commonwealth of Virginia and surrounding jurisdictions. A copy of applicant's license is enclosed herein as EXHIBIT A.

Section 11-102 (3)(c) **Additional Submission Requirements. In addition to Section 5-011.H, the following additional information shall be submitted by applicants for towers or monopoles which require special exception or special permit approval:**

(1) **A map showing the telecommunication system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed facility use to the utility system.**

Sprint's Response: Propagation maps showing the existing "hole" in applicant's coverage in the subject area and the value of the proposed site to filling this "hole" and thereby providing reliable wireless services to applicant's clients are enclosed herein as EXHIBIT D. Further, a statement by Shideh Dalilaltajory attached hereto as EXHIBIT B, outlines the functional relationship of the proposed facility to the utility system.

(2) **A statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location of the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.**
Sprint's Response: A statement by Shideh Dalilaltajory attests the reasons for selecting the proposed site, the value of the site to applicant's coverage objectives in the area and that the proposed facility will operate at all times in compliance with Federal, State and local laws is attached hereto as EXHIBIT B.

(3) **Photo imagery or other visual simulation of the proposed telecommunication tower or monopole must be shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.**
More specifically, a sight line presentation must be presented. A sight line shall be drawn from the three closest residential units included in the vicinity plan to the highest visible point on the personal wireless facility. If there are no residential units in the mandatory setback distance, reference 11-102.2a(1) and (b), the public rights-of-way will be used.
Each sight line shall be depicted in profile, drawn at 1 inch equals 40 feet. The profiles shall show all intervening tree masses and buildings. In the event there is only 1 or 2 residential buildings on the vicinity plan, there shall be at least two sight lines for the closest habitable structures if any.
Photographs: (1) 4 x 6 inch photograph from three perspectives demonstrating existing conditions, one sight line from each residential unit; (2) photosimulation from the same three perspectives with the proposed personal wireless facility included. If there are no residential units in the project area, then views shall be from the public rights-of-way.
Sprint's Response: The proposed facility is not a tower or monopole. Furthermore, since the proposed antennae will be located <u>within</u> the upcoming flagpole and, therefore, will have no visual impact on area residents, facilities or roads, this requirement is not applicable.

(4) **Except for areas where permitted by right, an applicant for the proposed telecommunication facility must demonstrate that an antenna location on an existing facility is not feasible.**
The County's objective is that no new tower/monopole shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board

of Supervisors that no existing tower, monopole or structure can accommodate the applicant's proposed antenna.

The applicant shall evaluate through an engineering report the existing telecommunication facilities and structures 80 feet or greater in height within a one (1) mile radius of the proposed facility when located in a designated Service District of the Comprehensive Plan.

Elsewhere in the County, the applicant shall evaluate through an engineering report the facility and structure locations, 80 feet of greater in height, within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining site feasibility.

Collocation may be determined not to be feasible in the following situations:

(a) The planned equipment would exceed the structural capability of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(b) The planned equipment will cause interference with other existing or planned equipment for that telecommunication facility, and that interference cannot be prevented at a reasonable cost;

(c) Existing or approved telecommunication facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(d) Existing and approved telecommunication facilities will not provide adequate signal coverage.

Sprint's Response: The above requirement is not applicable to this application. Applicant seeks to colocate its antennae within the sheath of an upcoming flagpole.

(5) In addition to those entitled to notice under the provisions of the Zoning Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 13-111, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowner associations and groups in the area.

Sprint's Response: Applicant will fully comply with this requirement.

(6) The carrier shall provide a copy of Form 600 on file with the FCC, and its FCC license (Radio Authorization Form).

Sprint's Response: Enclosed herein as EXHIBIT A

(7) The application shall show relationship to other personal wireless service facilities, including those existing and proposed by the carrier/applicant. The nearest existing sites for other carriers in at least four directions (north, south, east and west), as well as those proposed by other carriers on file in Fauquier County and with VDOT.

Sprint's Response: The propagation maps enclosed herein demonstrate the relationship of applicant's proposed facility with its proposed and existing
facilities. Furthermore, since applicant seekoV to colocate on an upcoming Firestation flagpole and, therefore, will indeed be utilizing an existing structure, the above requirement is not applicable.

11-107

SN/mel Enclosures

Removal of Abandoned Antennas and Towers
1. Annual Report. The owner of each antenna or tower shall submit a report to the Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.
2. Antenna and Tower Removal. Any antenna or tower shall be disassembled and removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunications towers, fence footers, underground cables and support buildings. The buildings and foundation may remain with the landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
Sprint's Response: Applicant shall comply with the above requirements.

Sincerely

JACKSON & CAMPBELL, P.C.

Syeda Naqvi